

No. 24-1522 and all consolidated cases: Nos. 24-1624, 24-1626, 24-1627, 24-1628,  
24-1631, 24-1634, 24-1685, and 24-2173

---

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

---

STATE OF IOWA; STATE OF ARKANSAS; STATE OF IDAHO; STATE OF  
MISSOURI; STATE OF MONTANA; STATE OF NEBRASKA; STATE OF  
NORTH DAKOTA; STATE OF SOUTH DAKOTA; STATE OF UTAH;  
AMERICAN FREE ENTERPRISE CHAMBER OF COMMERCE,

*Petitioners,*

v.

SECURITIES AND EXCHANGE COMMISSION,

*Respondent,*

DISTRICT OF COLUMBIA; STATE OF ARIZONA; STATE OF COLORADO;  
STATE OF CONNECTICUT; STATE OF DELAWARE; STATE OF HAWAII;  
STATE OF ILLINOIS; STATE OF MARYLAND; STATE OF  
MASSACHUSETTS; STATE OF MICHIGAN; STATE OF MINNESOTA;  
STATE OF NEVADA; STATE OF NEW MEXICO; STATE OF NEW YORK;  
STATE OF OREGON; STATE OF RHODE ISLAND; STATE OF VERMONT;  
STATE OF WASHINGTON; STATE OF WISCONSIN,

*Intervenors.*

---

SECURITIES AND EXCHANGE COMMISSION'S  
UNOPPOSED MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF

---

MEGAN BARBERO  
General Counsel

SAMUEL B. GOLDSTEIN  
Counsel to the General Counsel

MICHAEL A. CONLEY  
Solicitor

JOHN R. RADY  
Appellate Counsel

TRACEY A. HARDIN  
DANIEL STAROSELKY  
Assistant General Counsels

Securities and Exchange Commission  
100 F Street, N.E.  
Washington, D.C. 20549  
(202) 551-5774 (Staroselsky)

Pursuant to Eighth Circuit Rule 28A(I), respondent Securities and Exchange Commission respectfully requests leave to file an overlength consolidated response brief, up to a total limit of 25,000 words.

These consolidated petitions for review challenge rules adopted by the Commission that require registrants to, among other things, disclose certain information in their registration statements and annual reports about climate-related risks that they determine have or will likely have a material impact on their business. *See The Enhancement and Standardization of Climate-Related Disclosures for Investors*, Securities Act Release No. 33-11275 (Mar. 6, 2024), published at 89 Fed. Reg. 21,668 (Mar. 28, 2024) (“Final Rules”). Nine pending petitions for review of the Final Rules have been consolidated in this Court under 28 U.S.C. § 2112.<sup>1</sup>

On June 14, 2024, pursuant to the briefing schedule that this Court established (ECF No. 5395653), petitioners filed their opening briefs in these proceedings. Across the nine pending petitions, petitioners filed five separate opening briefs, totaling 58,540 words in length. Petitioners’ briefs present numerous issues, including whether the Final Rules are within the Commission’s

---

<sup>1</sup> Two additional petitions for review were filed and consolidated in this Court but have since been voluntarily dismissed. *See* Judgment, ECF No. 5401344, *Nat. Res. Def. Council, Inc. v. SEC*, No. 24-1623 (8th Cir. June 6, 2024); Judgment, ECF No. 5401351, *Sierra Club v. SEC*, No. 24-1633 (8th Cir. June 6, 2024).

statutory authority (*e.g.*, Iowa Br. 18-41; Texas Alliance of Energy Producers Br. 29-55), whether the Commission satisfied the Administrative Procedure Act’s reasoned-decisionmaking requirement in adopting the Final Rules (*e.g.*, Iowa Br. 42-53; Chamber of Commerce Br. 19-46), and whether the Final Rules comport with the First Amendment (*e.g.*, Liberty Energy Br. 52-60; National Legal and Policy Center Br. 49-60). In addition, thirteen amicus briefs supporting petitioners have been filed.

The Commission respectfully requests a 12,000-word extension of the word limit, up to a total limit of 25,000 words, for its consolidated response brief responding to all petitioners’ briefs. The Commission’s requested word limit is less than half the total words of petitioners’ opening briefs. The requested extension of the word limit would ensure that the Commission can fully respond to the arguments raised in petitioners’ opening briefs. This Court has granted comparable word-limit extensions in similar circumstances. *See, e.g., Zimmer Radio of Mid-Mo., Inc. v. FCC*, No. 24-1380, ECF No. 5390380 (8th Cir. May 3, 2024) (allotting 20,000 words for agency’s response brief where petitioners and intervenors supporting petitioners were allotted 25,000 words across three opening briefs); *Citizens Telecomms. v. FCC*, No. 17-2296, ECF Nos. 4569697, 4571260 (8th Cir. Aug. 17 & 22, 2017) (allotting 22,000 words for agency’s response brief where petitioners were allotted 25,000 words across two opening briefs).

Counsel for the petitioners in each of the pending petitions and counsel for the intervenors have indicated that all petitioners and intervenors do not oppose this request.

Respectfully submitted,

/s/ Daniel Staroselsky

MEGAN BARBERO  
General Counsel

SAMUEL B. GOLDSTEIN  
Counsel to the General Counsel

MICHAEL A. CONLEY  
Solicitor

JOHN R. RADY  
Appellate Counsel

TRACEY A. HARDIN  
DANIEL STAROSELSKY  
Assistant General Counsels

Securities and Exchange Commission  
100 F Street, N.E.  
Washington, D.C. 20549  
(202) 551-5774 (Staroselsky)

June 28, 2024

## **CERTIFICATE OF COMPLIANCE**

I certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 477 words, excluding the parts exempted by Fed. R. App. P. 27(a)(2)(B).

I also certify that this motion complies with the typeface requirements of Fed. R. App. P. 27(d)(1)(E) and 32(a)(5) and the type-style requirements of Fed. R. App. P. 27(d)(1)(E) and 32(a)(6) because it has been prepared in a proportionally spaced typeface—Times New Roman, 14 point—using Microsoft Word.

/s/ Daniel Staroselsky  
Daniel Staroselsky

June 28, 2024

**CERTIFICATES OF SERVICE  
FOR DOCUMENTS FILED USING CM/ECF**

**Certificate of Service When All Case Participants Are CM/ECF Participants**

I hereby certify that on 6/28/2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ Daniel Staroselsky